STATE OF TEXAS §
COUNTIES OF ARANSAS §
SAN PATRICIO AND NUECES §
CITY OF ARANSAS PASS §

On this the 18th day of November, 2013 the City Council of the City of Aransas Pass convened in a Regular Meeting being open to the Public at the regular meeting place thereof in the City Hall and notice of said meeting giving the time, place, date and subject hereof having been posted and prescribed by Chapter 551 of the Texas Government Code with the following attendance to wit constituting a quorum.

PRESENT: Adan Chapa Mayor

Phillip Hyatt Mayor Pro Tempore
Ramiro Gomez Council Member
Billy Ellis Council Member
Vickie Abrego Council Member

ABSENT:

ADMINISTRATIVE

PERSONNEL PRESENT: Allen Lawrence City Attorney

Sylvia Carrillo City Manager Yvonne Stonebraker City Secretary

ADMINISTRATIVE PERSONNEL ABSENT:

STAFF PRESENT: Bill Haines EMC/Admin. Coordinator

Amanda Torres Administrative Assistant

Eric Blanchard Chief of Police
Donna Cox Finance Director
Ron Howe Municipal Court Judge
Bernardo Flores, Jr. Associate MC Judge
J.P. Gonzales Head Meter Reader

OTHERS PRESENT: Jim and Alpha Covington, Rosemary Vega, Donald and Jeanie

Brummett, Cecil Robles, Bernardo Flores, Jr., Ernie and Olivia Torres, Carol Salinas, Annita West, Fred Wiseman, J.T. Harries, Rudy Torres, Jerry Moore, Kyle Alston, Mike and Jan Moore,

Vernon Kennedy, Joe D. and Kathy Garrett

There may have been others present who did not sign in.

1. <u>CALL MEETING TO ORDER.</u>

Mayor Chapa called the meeting to order at 7:00 P.M. on November 18, 2013.

2. <u>INVOCATION AND PLEDGE OF ALLEGIANCE TO THE UNITED STATES FLAG.</u>

Mayor Chapa gave the invocation and led the Pledge of Allegiance to the United States Flag.

3. CONSENT AGENDA.

- A. CONSIDER AND ACT ON MINUTES OF NOVEMBER 4, 2013.
- B. CONSIDER AND ACT ON ORDINANCE NO. 2013-4052 AN ORDINANCE OF THE CITY OF ARANSAS PASS, TEXAS, GRANTING A CONDITIONAL USE PERMIT TO MICHAEL FRANCISCO TO ALLOW AN ACCESSORY STRUCTURE TO BE CONSTRUCTED BEFORE PRIMARY STRUCTURE ON PROPERTY LOCATED ON FARM LOT 5, BLOCK A, BURTON AND DANFORTH SUBDVISION, SUBJECT TO CONDITIONS SETFORTH.

C. CONSIDER AND ACT ON ORDINANCE NO. 2013-4053 – AN ORDINANCE OF THE CITY OF ARANSAS PASS APPROVING THE REZONING OF LOTS 1 & 2, VISTA DEL MAR ADDITION, 0.184 ACRES, FROM GENERAL BUSINESS (GB) TO R-7A RESIDENTIAL DISTRICT

Motion Made By: <u>Council Member Ellis</u>

| | Seconded By: <u>Mayor Pro Tem Hyatt</u> |
|----|---|
| | Votes: Aye <u>Ellis</u> , <u>Abrego</u> , <u>Hyatt</u> , <u>Gomez</u> , <u>Chapa</u> |
| | Nay:,,,,,, |
| | Discussion: |
| | Council member Ellis made a motion to accept the Consent Agenda. |
| | Council member Abrego stated that she did not have the November 4, 2013 in her council packet and asked if that item could be removed from the motion. |
| | Council member Ellis revised his motion to accept Items B and C only on the Consent Agenda. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously. |
| 4. | CONSIDER AND ACT ON LETTER OF SUPPORT FOR THE SCIENCE & SPANISH CLUB NETWORK'S (SSCN) GRANT PROPOSAL "THE GULF OF MEXICO'S GULFSHED TRILOGY: SEAGRASSES, WHOOPING CRANES AND WATERSHEDS" BEING SUBMITTED TO THE GULF OF MEXICO PROGRAM'S GRANT FUNDING OPPORTUNITY ENTITLED "GULF OF MEXICO PARTNERSHIPS-2013." |
| | Motion Made By: <u>Council member Ellis</u> |
| | Seconded By: Council member Abrego |
| | Votes: Aye <u>Ellis</u> , <u>Abrego</u> , <u>Hyatt</u> , <u>Gomez</u> , <u>Chapa</u> |
| | Nay:,,,, |
| | Discussion: |
| | |
| | Mr. Richard Gonzales gave a brief explanation of the City's partnership with the Science and Spanish Club Network (SSCN). Through the network, Aransas Pass has been designated "World Seagrass Capital of the World." On March 7, 2013, leading scientists will converge during World Seagrass Day with the purpose to tell the public how important seagrasses are to the food chain. |
| | The SSCN plans to apply for various grants locally and abroad; therefore the program will ask for various letters of support from community stakeholders. |
| | Council member Ellis made a motion to approve the letter of support for the Science & Spanish Club Network's grant proposal. Council member Abrego seconded the motion and the motion carried unanimously. |
| 5. | CONSIDER AND ACT ON BANKING SERVICES FOR THE CITY OF ARANSAS PASS. |
| | Motion Made By: <u>Council member Ellis</u> Seconded By: <u>Council member Gomez</u> Votes: Aye <u>Ellis</u> , <u>Abrego</u> , <u>Hyatt</u> , <u>Gomez</u> , <u>Chapa</u> Nay:,,,,, |
| | City Manager Carrillo explained that the RFP had been advertised several times. Prosperity Bank was the only submitter to the RFP and it would simply be an extension of their three-year contract. The agreement would neither bring an additional cost or savings. |

Council member Ellis made a motion to award the banking services contract to Prosperity Bank. Council member Gomez seconded the motion and the motion carried unanimously.

6. <u>CONSIDER AND ACT ON AWARDING CONTRACT FOR ELECTRICITY SERVICES</u> <u>FOR THE CITY OF ARANSAS PASS.</u>

| Motion Made By: <u>Mayor Pro Tem Hyatt</u> |
|---|
| Seconded By: Council member Abrego |
| Votes: Aye Ellis , Abrego , Hyatt , Gomez , Chapa |
| Nay:,,,, |
| Discussion: |

City Manager Carrillo explained that the current contract would expire in December of 2013 and our current rate is \$70 per megawatt hour. After soliciting bids, three proposals were sent back to the City. City staff recommended TXU Energy. The rate would be dropped to \$50 per megawatt hour, resulting in a potential savings of \$60,000 to \$80,000 per year. In addition, TXU Energy has an energy reduction program called Greenbacks, which would generate rebates for the City.

Jason Harries of TXU Energy thanked the Council for the opportunity to submit a bid and quote. He stated that he had run into a lot of cities that had high electricity rates compared to rates that were currently available. Harries explained that TXU's status as one of the largest electricity providers allowed them to provide competitive rates.

Council member Abrego asked for clarification on the rate, which was also stated as \$0.70 per kilowatt hour. City Manager Carrillo responded that this translated to \$70 per megawatt hour.

Mayor Pro Tem Hyatt made a motion to approve TXU's bid for the electricity services RFP. Council member Abrego seconded the motion and the motion carried unanimously.

7. <u>CONSIDER AND ACT ON TRIENNIAL INTERLOCAL AGREEMENT – ENVIRONMENTAL HEALTH DEPARTMENT, BETWEEN THE CITY OF ARANSAS PASS AND SAN PATRICIO COUNTY FOR HEALTH RELATED SERVICES.</u>

| Motion Made By: <u>Council member Ellis</u> | |
|--|--|
| Seconded By: Council member Gomez | |
| Votes: Aye <u>Ellis , Abrego , Hyatt , Gomez , Chapa</u> | |
| Nay:,,,,,, | |
| Discussion: | |

City Manager Carrillo stated that this was a recurring contract that the City entered with San Patricio County. The County monitors restaurant services and septic systems, among other things, and the contract was just a renewal of services.

Council member Ellis made a motion to approve the triennial interlocal agreement— Environmental Health Department, between the City of Aransas Pass and San Patricio County for health related services. Council member Gomez seconded the motion and the motion carried unanimously.

8. <u>CONSIDER AND ACT ON INTERLOCAL COOPERATION AGREEMENT – ROADS/DRAINAGE, BETWEEN THE CITY OF ARANSAS PASS AND ARANSAS COUNTY, TEXAS.</u>

Motion Made By: <u>Council member Abrego</u>
Seconded By: <u>Mayor Pro Tem Hyatt</u>

Votes: Aye Ellis , Abrego , Hyatt , Gomez , Chapa

| Nay:,,,,, |
|---|
| City Manager Carrillo stated that this was a new interlocal agreement between the City and Aransas County. The agreement is to ensure that new development meets certain standards to protect infrastructure. City Manager Carrillo explained that a plat would be coming before the Council in the future that prompted the interlocal agreement. Without an agreement, the City is at the mercy of minimum standards. |
| Council member Abrego made a motion to approve the interlocal cooperation agreement —roads/drainage, between the City of Aransas Pass and Aransas County, Texas. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously. |
| PUBLIC HEARING ON REQUEST OF MR. GLENN SMITH TO REZONE TO (MH) MOBILE HOME DISTRICT. THE PROPERTY IS DESCRIBED AS LOTS 9-10, BLOCK 237, ARANSAS PASS, BURTON AND DANFORTH, ACRES 10.00, 225 W. YOUNG STREET. THE PROPERTY IS ZONED (R-7B) RESIDENTIAL DISTRICT. |
| Motion Made By: _No motion necessary. Seconded By: Votes: Aye,, |
| City Attorney Allen Lawrence opened the public hearing at 7:12 p.m. to consider the request of Mr. Glenn Smith to rezone Lots 9-10, Block 237, which is currently zoned as R-7B, to (MH) mobile home district. City Attorney Lawrence reminded the City Council that the Planning and Zoning Commission recommended the approval of the request at their regular meeting on November 11. |
| Mr. Glenn Smith explained his intention to build a small RV park with 12-16 lots. He stated that he had been trying to get the request passed since July. |
| Mayor Chapa asked Mr. Smith how long it would take him to build the RV Park. Mr. Smith responded that he thought he would have the RV Park ready by September for Winter Texans. Because of delays, he did not expect to begin the building process until next February or March. |
| Council member Abrego asked if the park would be an RV Park or a Mobile Home/Trailer Park or permanent trailers would be on the property for a manager to stay in. Mr. Smith responded that he had a manufactured home that he lived in on the property. |
| City Attorney Lawrence asked if anyone would like to speak in opposition of the request. No one spoke in opposition. |
| City Attorney Lawrence declared the public hearing closed at 7:14 p.m. |
| CONSIDER AND ACT ON REQUEST OF MR. GLENN SMITH TO REZONE TO (MH) MOBILE HOME DISTRICT. THE PROPERTY IS DESCRIBED AS LOTS 9-10, BLOCK 237, ARANSAS PASS, BURTON AND DANFORTH, ACRES 10.00, 225 W. YOUNG STREET. THE PROPERTY IS ZONED (R-7B) RESIDENTIAL DISTRICT. |
| Motion Made By: <u>Council member Ellis</u> Seconded By: <u>Mayor Pro Tem Hyatt</u> Votes: Aye <u>Ellis</u> , <u>Hyatt</u> , <u>Gomez</u> , <u>Chapa</u> Nay: <u>Abrego</u> ,,,, Discussion: |
| |

9.

10.

Council member Abrego stated that there were letters in opposition to the zoning request. Reasons included concern with the drainage and access in that area.

Council member Ellis asked how drainage would be dealt with. City Manager Carrillo responded that in the normal course of development, the developer would need to develop streets and drainage. However, since the property does not need to be replatted, street and drainage development is up to the property owner.

City Attorney Lawrence stated that the Planning and Zoning Commission was unanimous in its recommendation of the rezoning request.

Both Council member Abrego and Mayor Chapa asked if issues had been brought up at the Planning and Zoning Commission hearing. Mr. Glen Smith responded that there was not a problem with drainage and that there was a drainage trench located on his property.

Mayor Chapa asked if the buildings on the site would be required to meet city building codes. City Manager Carrillo replied that yes, all vertical construction would need building permits and be required to meet code. Mr. Smith also said in response that the City had strict guidelines for RV parks and that he is building it the way the City requires it.

Council member Ellis made a motion to approve the request to rezone of Mr. Glenn Smith to rezone to (MH) mobile home district. The property is described as Lots 9-10, Block 237, Aransas Pass, Burton and Danforth, Acres 10.00, 225 W. Young Street. Mayor Pro Tem Hyatt seconded the motion, and the motion carried with council member Abrego voting nay.

11. PUBLIC HEARING ON REQUEST OF JERRY MOORE TO REZONE FROM (GB)
GENERAL BUSINESS TO (HC) HEAVY COMMERCIAL. THE PROPERTY IS
DESCRIBED AS OUTLOT 19, TRACT 34, 3.25 ACRES. THE PROPERTY IS 1500 S.
COMMERCIAL

| Motion Made | By: No motion | necessary | |
|-------------|---------------|-----------|------|
| Seconded By | : | | |
| Votes: Aye | , | | |
| | | | |
| Discussion: | | | |

City Attorney Allen Lawrence opened the public hearing at 7:20 p.m. to consider the request of Mr. Jerry Moore to rezone from (GB) General Business to (HC) Heavy Commercial. The property is described as Outlot 19, Tract 3, 3.25 Acres, 1500 S. Commercial.

Mr. Jerry Moore, owner of Bill's Boat Barn, explained that he was asking for the request to expand his business on the vacant lot next to his current property. He said the last time he expanded his business was ten years ago but he did not remember having to go before council for a zoning request.

City Attorney Lawrence also mentioned that there was a question regarding the property address. Mr. Moore responded that in his previous request for expansion, he had received an address of 1500 S. Commercial. However, he has been told that AEP lists the property as 1302 S. Commercial.

City Manager Carrillo also stated that since the business has been existence, residential development has occurred behind it. She has discussed creating beautification and buffer zones with Mr. Moore.

Council member Abrego asked about Mr. Moore's "Park and Sell" lot on the property. Mr. Moore responded that management had not come through but it had not been a concern to him. She also questioned whether blocking traffic was a concern. Mr. Moore stated that users of the facility are given a gate opener so blocking traffic should not be a problem.

City Attorney Lawrence reminded the City Council that the Planning and Zoning Commission recommended the approval of the request at their November 11th meeting.

City Attorney Lawrence closed the public hearing at 7:20 p.m.

CONSIDER AND ACT ON REQUEST OF JERRY MOORE TO REZONE FROM (CR) 12.

| 12. | GENERAL BUSINESS TO (HC) HEAVY COMMERCIAL. THE PROPERTY IS |
|-----|--|
| | DESCRIBED AS OUTLOT 19, TRACT 34, 3.25 ACRES. THE PROPERTY IS 1500 S. COMMERCIAL |
| | Motion Made By: Council member Ellis Seconded By: Council member Abrego |
| | Votes: Aye <u>Ellis</u> , <u>Abrego</u> , <u>Hyatt</u> , <u>Gomez</u> , <u>Chapa</u> Nay:,,, |
| | Discussion: |
| | Council member Ellis made a motion to approve the request of Jerry Moore to rezone from (GB) General Business to (HC) Heavy Commercial for the property described as Outlot 19, Tract 3, 3.25 Acres, 1302 S. Commercial. Council member Abrego seconded the motion and the motion carried unanimously. |
| 13. | CONSIDER AND ACT ON WAIVING UNBILLED WATER, SEWER, AND GARBAGE FOR MR. MACK OLIVER, D/B/A MARTIAL ARTS STUDIO LOCATED AT 518 BIGELOW, CONN BROWN HARBOR. |
| | Motion Made By: _Council member Abrego_ Seconded By: _Mayor Pro Tem Hyatt_ Votes: Aye _Ellis , _Abrego , _Hyatt , _Gomez , _Chapa_ Nay: , , ,, |
| | City Manager Carrillo explained that staff learned that while Mr. Oliver has water, sewer and garbage in use at the property, he does not have an open utility account. Mr. Oliver has been at the location since May 2010. |
| | Council member Abrego made a motion to deny the request to waive unbilled water, sewer, and garbage for Mr. Mack Oliver. Mayor Pro Tem Hyatt seconded the motion and the motion carried unanimously. |
| 14. | CONSIDER AND ACT ON REQUEST FOR FUNDS BY ARANSAS PASS MOOSE LODGE NOT TO EXCEED \$250.00. |
| | Motion Made By: <u>Council member Abrego</u> Seconded By: <u>Council member Gomez</u> Votes: Aye <u>Ellis</u> , <u>Abrego</u> , <u>Hyatt</u> , <u>Gomez</u> , <u>Chapa</u> Nay:,,,, |
| | Discussion: |

City Manager Carrillo explained that the Moose Lodge had approached the City of Aransas Pass for financial assistance in their annual Santa Helpers toy drive and fundraiser. The main event will be held at the Moose Lodge in December. Over 100 families have been given Christmas gifts each year through the project. This year, the Moose Lodge has not only asked for financial assistance but has also asked the City to place an angel tree to collect additional gifts for needy families this year.

Council member Abrego made a motion to approve the request for funds by the Aransas Pass Moose Lodge not to exceed \$250.00. Council member Gomez seconded the motion and the motion carried unanimously.

15. CONSIDER AND ACT ON APPROVING THE 9-1-1 VOICE LOGGING SYSTEM PRESENTED BY POLICE CHIEF ERIC BLANCHARD.

| TREGERALD DI L'OLIGE GINEI EL NO DE MOTALIZA. |
|---|
| Motion Made By: <u>Mayor Pro Tem Hyatt</u> |
| Seconded By: Council member Abrego |
| Votes: Aye <u>Ellis</u> , <u>Abrego</u> , <u>Hyatt</u> , <u>Gomez</u> , <u>Chapa</u> |
| Nay:,,, |
| Discussion: |
| Police Chief Blanchard explained that currently the police department is using a system (Higher Ground) that is over 7 years old and is out of service with the company. Further, this system only allows for recording of audio feeds like most 911 media archival systems around our area. As of now, this antiquated system is starting to fail. |
| This new system will not only record audio feeds but will also record video screen shots and allow for other video feeds to be inputted into the system, as the Police Department intends to have an interview and interrogation room in the future which this system will |

The most significant feature of this new system would be its ability to recall archived data. This new system will allow the Police Department to simply search by text. The Police Department can perform a Google-like search for something that was said and the system will recognize speech and provide them with the recordings matching t h e search terms.

Purchase for this item will be made out of the drug seizure fund. However, all future maintenances expenses (\$3,994.00) will be paid for yearly after the second year from the E911 budget. The first year of maintenance comes with the system and the second year will be paid up front by this same fund. E911 will take over this yearly expense beginning on year 3.

Mayor Pro Tem Hyatt made a motion to approve the 9-1-1 Voice Logging System. Council member Abrego seconded the motion and the motion carried unanimously.

16. BUDGET UPDATE BY FINANCE DIRECTOR DONNA COX.

already be capable of managing.

| | Motion Made By: No motion necessary |
|-----|--|
| | Seconded By: |
| | Votes: Aye,,,, |
| | Nay:,,,,, |
| | Discussion: |
| | Passed on until December 2, 2013 city council meeting. |
| 17. | CITY MANAGER UPDATES: MOOSE LODGE REQUEST FOR AN ANGEL TREE UTILITY RATE INCREASE. |
| | Motion Made By: No motion necessary |
| | Seconded By: |
| | Votes: Aye,,, |
| | Nay:,,,,,,, |
| | Discussion: |

City Manager Carrillo explained to the City Council that the City would be working with the Moose Lodge to set up an Angel Tree to sponsor needy families with gifts for the holiday season. One tree would be set up at City Hall and possibly another tree would be set up at another location.

City Manager Carrillo also explained that the San Patricio Municipal Water District had sent notice of an upcoming water rate increase of \$0.25 per 1,000 gallons at the beginning of 2014. The increase would result in an increase of \$2 to \$4 more per month per average residential bill.

18. <u>CITIZENS' COMMENTS.</u>

| Motion Made By: No motion necessary | |
|-------------------------------------|---|
| Seconded By: | |
| Votes: Aye,,, | |
| Nay:,,, | ı |
| Discussion: | |

Ms. Carol Salinas asked whether the increased water rate would result in an increased sewer rate. City Manager Carrillo responded that there was no planned increase for sewer as of yet.

19. RECESS OPEN MEETING AND RETIRE TO EXECUTIVE SESSION PURSUANT TO CHAPTER 551 OF TEXAS GOVERNMENT CODE:

| Motion Made By: No motion necessary | |
|-------------------------------------|---|
| Seconded By: | |
| Votes: Aye,,, | |
| Nay:, | - |
| Discussion: | |

Mayor Chapa recessed the Open Meeting and retired to Executive Session at 7:43 p.m.

- A) <u>SECTION 551.072</u> DELIBERATIONS REGARDING REAL PROPERTY CONN BROWN HARBOR KENDALL GILLIAM/DAN MOORE
- B) <u>SECTION 551.072</u> DELIBERATIONS REGARDING REAL PROPERTY CONN BROWN HARBOR KELLY MONTGOMERY DBA HARBOR SHRIMP CO.
- C) <u>SECTION 551.072</u> DELIBERATIONS REGARDING REAL PROPERTY CONN BROWN HARBOR HARBOR REAL ESTATE/KYLE ALSTON
- D) <u>SECTION 551.072</u> DELIBERATIONS REGARDING REAL PROPERTY CONN BROWN HARBOR HARBOR REAL ESTATE/ LETTER OF SUPPORT
- E) <u>SECTION 551.071</u> CONSULTATION WITH CITY ATTORNEY LEGAL MATTER VOLUNTEER FIRE DEPARTMENT
- F) <u>SECTION 551.074</u> DELIBERATIONS REGARDING PERSONNEL MUNICIPAL COURT JUDGE RONALD HOWE

20. RECONVENE IN OPEN MEETING AND CONSIDER AND ACT ON FINDINGS OF EXECUTIVE SESSION.

Mayor Chapa reconvened the Open Meeting at 8:40 p.m.

- A) <u>SECTION 551.072</u> DELIBERATIONS REGARDING REAL PROPERTY CONN BROWN HARBOR KENDALL GILLIAM/DAN MOORE
- B) <u>SECTION 551.072</u> DELIBERATIONS REGARDING REAL PROPERTY CONN BROWN HARBOR KELLY MONTGOMERY DBA HARBOR SHRIMP CO.
- C) <u>SECTION 551.072</u> DELIBERATIONS REGARDING REAL PROPERTY CONN BROWN HARBOR HARBOR REAL ESTATE/KYLE ALSTON
- D) <u>SECTION 551.072</u> DELIBERATIONS REGARDING REAL PROPERTY CONN BROWN HARBOR HARBOR REAL ESTATE/ LETTER OF SUPPORT

- E) <u>SECTION 551.071</u> CONSULTATION WITH CITY ATTORNEY LEGAL MATTER VOLUNTEER FIRE DEPARTMENT
- F) <u>SECTION 551.074</u> DELIBERATIONS REGARDING PERSONNEL MUNICIPAL COURT JUDGE RONALD HOWE

Motion Made By: Council member Ellis

21.

| Seconded By: <u>Mayor Pro Tem Hyatt</u> |
|---|
| Votes: Aye <u>Ellis</u> , <u>Abrego</u> , <u>Hyatt</u> , <u>Gomez</u> , <u>Chapa</u> |
| Nay:,,, |
| Discussion: |
| Council member Ellis made a motion to authorize the City Manager to manager a executive session items. Mayor Pro Tem Hyatt seconded the motion and the motio carried unanimously. |
| ADJOURNMENT OF MEETING. |
| Motion Made By: Council member Ellis |
| Seconded By: _Council member Abrego |
| Votes: Aye <u>Ellis</u> , <u>Abrego</u> , <u>Hyatt</u> , <u>Gomez</u> , <u>Chapa</u> |
| Nay:,,, |
| Discussion: |
| Council Member Ellis made a motion to adjourn the meeting. Council Member Abreg seconded the motion and the motion carried unanimously. |
| Mayor Chapa adjourned the meeting at 8:44 P.M. |
| |
| Adan Chapa, Mayor |
| Attact |
| Attest: |
| |